



CONSERVATION CHEMICAL COMPANY

105 West 11th Street
Suite A
Lawrence, KS 66044
(913)842-7424

September 21, 1987

Mr. Bob Hartian
Freedom of Information Officer
Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604

Dear Mr. Hartian:

Could you please provide me with a list of facilities within Region V that recycles hazardous waste? I am particularly interested in the recycle of pickle liquor, hazardous waste code K0-62.

If this specific information is not available, then a list of treatment, storage and disposal facilities for pickle liquor, K0-62, is requested. I presume the name of the organization, address, and possibly, phone number would be included.

In addition to knowing what facilities are in this activity, one specific bit of information needed is the source of their liability insurance for sudden accidental occurrences.

Lastly, do you have any information wherein any of these entities have requested a variance on the amount of such insurance as is cited in 40 CFR 265.147?

Thank you.

Sincerely,

CONSERVATION CHEMICAL COMPANY

N. B. Hjersted
N. B. Hjersted, P.E.
President

NBH:tip

KE

RECEIVED

SEP 24 1987 2038-87

OFFICE OF
PUBLIC AFFAIRS

10-8

APR 14 1983

5HM

Richard Prober, P.E.
Project Manager
Havens and Emerson, Inc.
Gary National Bank Building
Suite 731
504 Broadway
Gary, Indiana 46402

Re: Freedom of Information Act Request
P.I. 01-83

Dear Mr. Prober:

This is a follow-up to our letter of February 14, 1983, in response to your Freedom of Information Act request. Enclosed are copies of 26 records we are releasing to you. The records are detailed on the enclosed list (List 1) and concern the following facility:

Conservation Chemical Company (CCC)
6500 Industrial Highway
Gary, Indiana 46406
I.D. # IND040886992 ✓

Sixteen items are being withheld under 5 U.S.C. §552(b)(7)(A) and 40 C.F.R. Part 2, Subpart B, because they are investigatory records compiled for law enforcement purposes and the production of such records would interfere with enforcement proceedings. They are described on the enclosed list (List 2). Your request for these 16 records is initially denied.

If you wish to appeal this initial denial, you may address such an appeal within 30 days to Robert B. Schaefer, Regional Counsel, United States Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604.

As advised in our letter, reproduction and search time costs are \$20.00. Your check for \$20.00 was received in the Financial Management Branch.

Please contact Ms. April Katsura of my staff at (312) 886-6134, if you have any questions.

Sincerely yours,

/s/ original signed by
Alan Levin

Valdas V. Adamkus
Regional Administrator

Enclosures

cc: Conservation Chemical Company
Indiana State Board of Health

bcc: Ann Brash, OPA (xeroxed letter)
Jan Mason, FOS
Rich Shandross, WMB
Jon McPhee, RC
Carol Kavcic, WMD
Part A File

LIST 1

Enclosed Records on Conservation Chemical Company

1. State of Indiana, Stream Pollution Control Board of the State of Indiana v. Conservation Chemical Company of Illinois, Cause No. C73-1519. Dated March 20, 1973 (3 pages)
2. State of Indiana, ex. rel. Stream Pollution Control Board of the State of Indiana v. Conservation Chemical Company, Cause No. C73-1519. Dated August 7, 1973 (2 pages)
3. Conservation Chemical Company Report prepared by Indiana State Board of Health. Dated December 20, 1978 (2 pages)
4. Letter of March 15, 1979, from Lloyd T. Kaiser, CCC, to K.M. Holub, U.S. EPA (2 pages)
5. United States of America v. Conservation Chemical Company, Kansas City Power & Light Company, and Mobay Chemical Company, Civil Action No. 30-0333-WW5. Dated September 29, 1980 (19 pages)
6. Letter of October 1, 1980, from Jeffrey G. Miller, U.S. EPA, to Robert M. Lindholm, Office of Attorney General, Jefferson City, Missouri (1 page)
7. Letter of December 2, 1980, from Sandra S. Gardebring, U.S. EPA, to E. Denver Vold, CCC (9 pages)
8. Letter of December 18, 1980, from Norman B. Hjersted, CCC, to Jonathan T. McPhee, U.S. EPA (12 pages)
9. Letter of December 30, 1980, from Norman B. Hjersted, CCC, to Director, Enforcement Division, Region V, U.S. EPA (1 page)
10. Telephone Memo of May 13, 1981, between Jim Pankanin, U.S. EPA, and Lloyd Kaiser and Norman Hjersted, CCC (1 page)
11. Telephone Memo of May 21, 1981, between Jim Pankanin, U.S. EPA, and Dale Chapman, CCC (1 page)
12. Inspection Report dated May 26, 1981 (4 pages)
13. Inspection Report dated June 1, 1981 (4 pages)
14. Memo of Meeting on June 3, 1981, between Jim Pankanin, U.S. EPA, and Dale Chapman, CCC (2 pages)
15. Letter of June 10, 1981, from Dale E. Chapman, CCC, to James Pankanin, U.S. EPA (4 pages)
16. Letter of July 2, 1981, from Dale Chapman, CCC, to James Pankanin, U.S. EPA (4 pages)
17. Letter of September 1, 1981, from Sandra S. Gardebring, U.S. EPA, to N.B. Hjersted, CCC (4 pages)

(List 1 continued)

18. Letter of September 10, 1981, from Norman B. Hjersted, CCC, to Sandra S. Gardebring, U.S. EPA (1 page)
19. Telephone Memo of September 21, 1981, between Jim Pankanin, U.S. EPA, and Norm Hjersted, CCC (1 page)
20. Telephone Memo of December 3, 1981, between Jim Pankanin, U.S. EPA, and Dale Chapman, CCC (1 page)
21. Letter of February 24, 1982, from Mary L. Langer, U.S. EPA, Region V, to Honorable Edward B. Finch, Office of the Administrative Law Judges, U.S. EPA (1 page)
22. Letter of March 3, 1982, from Thomas E. Cain, CCC, to U.S. EPA, Region V (1 page)
23. Letter of May 19, 1982, from Gilbert King, Jr., Attorney at Law, Gary Municipal Airport Authority District, to U.S. EPA, Region V (1 page)
24. Letter of May 28, 1982, from Kenneth A. Fenner, U.S. EPA, to Gilbert King, Jr., Attorney at Law (1 page)
25. Conservation Chemical Company, Gary Plant: Contingency Plan & Emergency Procedures (8 pages)
26. Job Responsibilities, Job Duties: Plant Manager, Operator, Driver, Laborer, Administrative Clerk (4 pages)

LIST 2

Records on Conservation Chemical Company Withheld under

5 U.S.C. §522(b)(7)(A) and 40 C.F.R. Part 2, Subpart B

1. Response to Thomas C. Jorling October 2, 1978 Request for Information on Hazardous Waste Facilities (Attachment 5 of 22, Memorandum to T. Jorling). No date (2 pages)
2. Memo of December 8, 1978, from Joseph M. Boyle, Hazardous Waste Management Section, Air & Hazardous Materials Division, U.S. EPA, to Karl J. Klepitsch, Jr., Chairman, Regional Task Force on Hazardous Waste Placement Sites, U.S. EPA, discussing CCC site visit and recommendations (3 pages)
3. Potential Hazardous Waste Site: Identification and Preliminary Assessment, dated December 14, 1979 (4 pages)
4. Potential Hazardous Waste Site: Tentative Disposition, dated March 10, 1980 (2 pages)
5. Telephone memo of December 8, 1980, between Jon McPhee, Legal Section, Enforcement Division, U.S. EPA, and Norm Hjersted, CCC, discussing concerns (1 page)
6. Potential Hazardous Waste Site: Final Strategy Determination, dated December 9, 1980 (2 pages)
7. Memo of a meeting on December 12, 1980, between Jim Pankanin, Engineering Section, Enforcement Division, Region V, U.S. EPA, and Norm Hjersted, Jim Williams and Lloyd Kaiser, CCC, discussing pending suit in Region VII, U.S. EPA against CCC (2 pages)
8. Memo of January 13, 1981, from Jim Pankanin, Engineering Section, Enforcement Division, U.S. EPA, to Jon McPhee, Legal Section, Enforcement Division, U.S. EPA, discussing inadequacies in CCC's response of December 18, 1980 (2 pages)
9. Memo of June 3, 1981, from Jim Pankanin, Engineering Section, Enforcement Division, U.S. EPA, to file concerning compliance status of CCC (1 page)
10. Memo of June 8, 1981, from Richard Shandross, Technical Programs Section, Waste Management Branch, U.S. EPA, to Dr. Eugene Meyer, Chief, Technical Programs Section, Waste Management Branch, U.S. EPA, discussing a joint General Accounting Office/U.S. EPA inspection of CCC on June 2, 1981 (2 pages)
11. Memo of a meeting on October 9, 1981, between Jim Pankanin, Engineering Section, Enforcement Division, U.S. EPA, and Norm Hjersted and Dale Chapman, CCC, discussing settlement of CAFO; and

Memo of December 3, 1981, from Jim Pankanin, Engineering Section, Enforcement Division, U.S. EPA, to file discussing sample testing (1 page)

(List 2 Continued)

12. Memo of a meeting on October 9, 1981, between Jim Pankanin, Engineering Section, Enforcement Division, U.S. EPA, Jon McPhee, Legal Section, Enforcement Division, U.S. EPA, and Norm Hjersted, CCC, discussing CCC penalty (1 page)
13. Memo of October 21, 1981, from Jim Pankanin, Engineering Section, Enforcement Division, U.S. EPA, to file discussing the October 10, 1981 meeting between Jim Pankanin, Jon McPhee, Norm Hjersted and Dale Chapman, CCC (1 page)
14. Memo of October 23, 1981, from Bill Muno, Engineering Section, Enforcement Division, U.S. EPA, to Jim Pankanin, Engineering Section, Enforcement Division, U.S. EPA, discussing Jim Pankanin's memo of October 21, 1981 (1 page)
15. Memo of January 27, 1982, from Jane Schulteis, Legal Section, Enforcement Division, U.S. EPA, to attorneys, Legal Section, Enforcement Division, U.S. EPA, discussing reassignment of engineers to cases (5 pages)
16. Report of James M. King describing the geologic/hydrogeologic characteristics of CCC (3 pages)

FEB 14 1983

Richard Prober, P.E.
Project Manager
Havens and Emerson, Inc.
Gary National Bank Building
Suite 731
504 Broadway
Gary, Indiana 46402

Re: Freedom of Information Act Request
R.I. 01-83

Dear Mr. Prober:

This is a follow-up to our letter of January 11, 1983, in response to your Freedom of Information Act request. Enclosed are copies of records we are releasing to you. The records are detailed on the enclosed list and concern the following facility:

Conservation Chemical Company
6500 Industrial Highway
Gary, Indiana 46406
I.D. # INDO40888992

As advised in our letter, reproduction and search time costs are \$40.00. Your check for \$40.00 was received in the Financial Management Branch.

A further search of our files has surfaced some additional documents. Prepayment of the search and reproduction costs is again required.

Enclosed is a Bill for Collection requesting prepayment. This represents our best estimate of cost at this time. Please return the top portion of the form with your check or money order in the amount of \$20.00 payable to the United States Environmental Protection Agency and forward your remittance to the address listed on the billing form. If payment is not received within 30 days, your request will be cancelled.

Sincerely,

Basil G. Constantelos, Director
Waste Management Division

Enclosures

cc: Conservation Chemical Company
Indiana State Board of Health

bcc: Ann Brash, OPA (xeroxed letter)
Jan Mason, FOS
Rich Shandross, WMB
✓ Part A File

List of Enclosures

1. Notification of Hazardous Waste Activity
2. Application for a Hazardous Waste Permit--Part A
3. Report of the interim status inspection performed on November 19, 1980
4. Letter of July 2, 1982, from Norman B. Hjersted, Conservation Chemical Company, to Thomas B. Golz, U.S. Environmental Protection Agency
5. Letter of July 13, 1982, from Becca Huber, Marsh & McLennan, Incorporated, to Valdas Adamkus, U.S. Environmental Protection Agency

STATE OF INDIANA

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT



INDIANAPOLIS, 46225

105 South Meridian Street

September 19, 1986

RECEIVED

SEP 25 1986

News Director
Gary Post-Tribune
1065 Broadway
Gary, IN 46402

Re: Public Notice of Closure

Gentlemen:

I have enclosed a copy of our public notice of closure for Conservation Chemical Company of Illinois, IND 040888992. Please publish this notice, one time, no later than September 26, 1986.

Please send me a notarized form and clippings showing the date of publication. Also, send the billing to my attention.

Very truly yours,

David D. Lamm
Assistant Commissioner for
Solid and Hazardous Waste Management

DEW/kp
Enclosure

cc: Ms. Nancy Maloley (with enclosure)
Mr. Dave Wagner (with enclosure)
Mr. Wayne Penrod (with enclosure)
Ms. Lisa Kobe (with enclosure)
Mr. Hak Cho, U.S. EPA (with enclosure)
Ms. Pat Vogtman, U.S. EPA (with enclosure)
Ms. Sally Swanson, U.S. EPA (with enclosure)

COPY 2

PUBLIC NOTICE

The Commissioner of the Indiana Department of Environmental Management has received a Closure/Post-Closure plan from Conservation Chemical Company of Illinois, 6500 Industrial Highway, Gary, Indiana 46406, IND 040888992. The company originally notified the U.S. Environmental Protection Agency as a treater and storer of hazardous waste with the following hazardous waste activities: drum storage, tank storage, tank treatment. The plan proposes the elimination of the following hazardous waste activities: drum storage, tank storage, waste piles, tank treatment.

Pursuant to 320 IAC 4.1-21, the Commissioner is providing the owner or operator and the public an opportunity to submit written comments on the plan and request modifications of the plan within thirty (30) days of date of this notice. Corrective action response letters have been sent to the facility to elicit information to ensure that there have been no uncorrected releases concerning hazardous wastes or hazardous waste constituents to the environment from any existing or former solid waste management units. This is to fulfill the U.S. EPA's obligation under the Hazardous and Solid Waste Amendments of 1984.

The Commissioner can also, in response to a request, hold a public hearing whenever such a hearing might clarify one or more issues concerning the plan or issues involving releases of hazardous waste or hazardous waste constituents from the facility. The Commissioner will give public notice of the hearing at least thirty (30) days before it occurs.

The plan and related background documents are available for inspection and copying by the public at the Indiana Department of Environmental Management, 105 South Meridian Street, Indianapolis, Indiana, from 8:15 a.m. to 4:45 p.m., Monday through Friday. The plan is also available at the Gary City Health Department, 1145 West Fifth Avenue, Gary, Indiana 46402.

Persons wishing to comment on the plan should submit such comments in writing to:

Mr. Guinn P. Doyle
Hazardous Waste Management Branch
Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street
Indianapolis, IN 46225

For additional information, contact Mr. Thomas E. Linson at AC 317/232-3292.

McDERMOTT, WILL & EMERY

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

111 WEST MONROE STREET

CHICAGO, ILLINOIS 60603-4067

312/372-2000

TELECOPIER 312/984-7700

TELEX 25-3565, 210079

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ONE POST OFFICE SQUARE
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700 BRICKELL AVENUE
MIAMI, FLORIDA 33131
305/358-3500

FIRST NATIONAL BANK BUILDING
SPRINGFIELD, ILLINOIS 62701
217/522-7200

AUG 31 9 45 AM '87

101 NORTH MONROE STREET
TALLAHASSEE, FLORIDA 32301
904/222-2312
OFFICE OF THE
ATTORNEY GENERAL
AND HAZARDOUS
WASTE UNIT

1850 K STREET, N. W.
WASHINGTON, D. C. 20006
202/887-8000

LOUIS M. RUNDIO, JR.
312/984-7710

August 28, 1987

Mr. David D. Lamm
Assistant Commissioner for Solid
and Hazardous Waste Management
Indiana Department of Environmental
Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015

VIA FEDERAL EXPRESS

Re: Petition for Review and
Stay of Effectiveness

Dear Mr. Lamm:

Attached please find Conservation Chemical Company of Illinois' ("CCCI") Petition for Review and Stay of Effectiveness. Pursuant to IC 4-21.5-3-5 and 4-21.5-3-7, this petition seeks a review and stay of the order entered August 13, 1987 concerning the closure plan of CCCI.

Also, pursuant to IC 4-21.5-3-5(d) CCCI requests that all notices required to be given thereunder be served upon the undersigned.

If you have any questions regarding these matters, please call.

Very truly yours,

Louis M. Rundio, Jr.

Louis M. Rundio, Jr.

LMR:sac
Encl.

INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN RE:

CONSERVATION CHEMICAL COMPANY OF ILLINOIS

PETITION FOR REVIEW AND
STAY OF EFFECTIVENESS

Conservation Chemical Company of Illinois ("CCCI"), by its attorneys, McDermott, Will & Emery, hereby petitions the Indiana Department of Environmental Management (the "IDEM"), pursuant to IC 4-21.5-3-5 and 4-21.5-3-7, for a review and stay of effectiveness of the IDEM's order entered August 13, 1987, and in support states as follows:

INTRODUCTION

CCCI's initial closure plan was submitted to the IDEM in May, 1986. Subsequently, modifications were submitted in January, 1987 and in May, 1987. The IDEM's order approving such plan with significant modifications was entered on August 13, 1987 and served on CCCI shortly thereafter. CCCI has reviewed the modifications requested by the IDEM and hereby requests review of the plan and the modifications and a stay of effectiveness pending review. The subsections of this Petition correspond to the subsections of the closure plan.

Section 1. --Introduction

The detailed closure plan modifications by the IDEM are in general far more detailed than is necessary to achieve the closure performance standard. As outlined below, several

items are simply IDEM suggested changes in procedures - for example, the requirement for an agricultural based rather than engineering based soil classification system - which serve no practical necessity other than to create additional needless work and paperwork. Other items such as analytical requirements and requirements for continuous soil sampling during all borings are arbitrarily detailed, and are unsupported by the facts or efficient scientific methodology.

Section II. -- Closure Plan Modifications

*if we make
modifications
to the plan
etc*

A. The IDEM specifies that all existing site and relevant off-site characterization data is to be collected. However, no purpose is given for the collection of such data, nor are any requirements indicated for the reporting of such data. Thus, the IDEM is creating needless requirements which will not significantly facilitate the closure plan but which will require additional expense and create voluminous, additional unnecessary paperwork.

*need to know
if cap is strong
what can be
placed adjacent
to the R.R. tracks*

B. The IDEM requests written documentation of access rights for soil borings, wells, piezometers, and cap construction which can be provided only with the cooperation of adjacent property owners. It is unknown at this time whether adjacent property owners are willing to provide such access.

C. The IDEM specifies that a "Waste Analysis" of all on-site waste containers shall be provided following the format

included in Attachment A. Considering the sampling and analysis efforts recently completed by a group of CCCI customers acting under a U.S. EPA order, such an undertaking would include a substantial duplication of efforts. In particular, substantial testing has been completed with regard to acidic materials and cyanide-bearing materials. The IDEM has failed to demonstrate why such testing should be repeated. Moreover, many of the on-site tanks have already been sampled and analyzed in great detail - detail comparable to that outlined in Attachment A of the Closure Plan Modifications. Existing acceptable sampling and analysis results are sufficient for waste inventory purposes. In addition, the IDEM requests detailed waste characterization data yet fails to set forth sufficient reasons justifying such detail. In general, waste characterization data need be no more detailed than as required by licensed disposal contractors.

D. CCCI further objects to the volume and detail of the soil analysis requested by the IDEM. While the IDEM indicates that geologic and hydrogeologic data provided in the closure plan are general and not site specific, data presented therein is based on extensive experience and numerous (hundreds) soil borings performed on and around the site. The site is centrally located within the Calumet Lacustrine Plain, an area characterized by highly consistent and predictable subsurface soils of homogeneous texture (within soil layers) and only

two general soil types of hydrogeologic consequence (porous, permeable sands and underlying clays of low effective porosity and extremely low permeability). Although subsurface data contained in the closure plan is somewhat generalized, the data contained in the closure plan remains highly representative for the site and surrounding area. ^{nope} Thus, a more detailed geologic and hydrogeologic characterization would provide only very ^{site specific} limited additional information.

E. The requirement that classification and hydrogeologic properties of all hydrogeologic units be tested and recorded down through the base of the clay to the "aquitard" (aquiclude would be a more accurate descriptive term), as described in Attachment A, would require drilling through the only soil unit protecting deep, higher quality ground waters from contamination. Assuming even the most cautious drilling techniques and conscientious grouting of boreholes through the "aquiclude", the possibility of introducing significant contamination into deeper aquifers should be of great concern at this site. CCCI therefore objects to such a procedure as being unnecessary and risky.

F. CCCI objects to the IDEM requirement that all on-site soil borings be continuously sampled through their entire depth is arbitrary and would result in a highly inefficient and costly exploration of the subsurface. Continuous core samples should be necessary in no more than one

or two on-site borings. Since soil conditions in this area are extremely consistent and predictable, accurate correlations would be possible between continuous and noncontinuous (i.e. 5-foot intervals) core samples.

G. The IDEM requirement that all soils be described using "Soil Survey Staff, SCS, USDA" (in preparation) is arbitrary and inappropriate for an engineering and hydrogeologic assessment. As noted in Attachment 1B, the above referenced soil classification system was designed for glacially derived sediments, but soils at the CCCI site are lacustrine in origin. Furthermore, the above referenced classification system was designed by soil scientists for agricultural applications, not for engineering studies or for studies of hydrogeology. The industry standard Unified Soil Classification System (ASTM D 2487-69 and D 2488-69) is more than adequate to describe soils at this site, especially when factual sedimentologic descriptors are added. The Unified Soil Classification System is the system of choice of those professional engineers who are designated in the Code of Federal Regulations as the only types of engineers who can prepare and certify a closure plan.

H. The IDEM requires that gamma ray logs be run on all monitoring wells and piezometers. Since lithologic samples are to be collected from each boring, gamma ray logs would provide little, if any, useful additional information. Therefore, CCCI objects to the use of gamma ray logs.

Section III. -- Clean Closure Option

Based on the known subsurface conditions at the site, including highly porous and permeable soils in the upper 50 or so feet and the known extent of soil and ground water contamination, the requirement that contamination be removed to background levels is not only absurd but likely impossible to achieve. Clean closure excavation, deep into the site water table, would require dewatering millions of gallons per day from the upper aquifer. Such waters would likely be contaminated and due to the volume, direct discharge to the nearby river would be the only method of disposal. In addition, the excavation, hauling, and landfilling of large quantities of contaminated soils is specifically discouraged by Congress under SARA and the 1984 RCRA Amendments.

Section IV. -- Closure Certifications

CCCI has no objections to Section IV.

Section V. -- Financial Assurance for Closure and Post-Closure

CCCI objects to providing financial assurance for conducting closure and post-closure activities as set forth by the IDEM. As stated above, CCCI objects to the majority of the modifications as requested by the IDEM as overbroad, unnecessarily detailed and overly costly.

Section VI. -- Liability Coverage

CCCI objects to the requirement of maintaining liability coverage in the manner specified in the plan as unreasonable and impractical.

Section VII. -- Health and Safety Plan/Emergency Contingency Response Plan

CCCI has no objections to Section VII.

STAY OF EFFECTIVENESS

CCCI further requests that Sections I, II, III, V, and VI of the plan be stayed pending review based on the numerous objections set forth in this petition.

WHEREFORE, Conservation Chemical Company of Illinois requests that the Indiana Department of Environmental Management grant this petition for review of Sections I, II, III, V and VI of the order entered August 13, 1987 and that the effectiveness of those sections be stayed pending the outcome of the review.

Respectfully submitted,

CONSERVATION CHEMICAL COMPANY
OF ILLINOIS

By: Louis M. Rundio, Jr.
One of its attorneys

Louis M. Rundio, Jr.
Scott W. Ammarell
McDermott, Will & Emery
111 West Monroe Street
Chicago, Illinois 60603
(312) 372-2000